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EXAMINER

GORDON, RAEANN

ART UNIT PAPER NUMBER

3711

DATE MAILED: 10/06/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/923,071

Applicant(s)

SULLIVAN, MICHAEL J.

Examiner

Raeann Gorden

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8,10,12,13,16,17 and 23-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8,10,12,13,16,17,23-26,28-31,33 and 34 is/are rejected.
- 7) ☒ Claim(s) 3,4,27 and 32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 10, 12, 13, 16, 17, 23-26, 29-31, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Shimosaka et al (5,730,665). Regarding claim 1, Shimosaka discloses a golf ball comprising a core and a multi-layer cover. The intermediate layer of the cover is formed from single or plural layers of a laminate film (abstract). The film has a thickness from 50 to 400 um or 0.05 to 0.4 mm (col. 3, line 64). Regarding claim 2, the film may be made from polyurethane, silicone, or epoxy (col. 3, lines 55-62). Regarding claim 10, the intermediate layer of the cover is formed from single or plural layers of a laminate film (abstract). Regarding claims 12 and 13, the film has a thickness from 50 to 400 um or 0.05 to 0.4 mm (col 3, line 64). Regarding claim 16, the core is made from polybutadiene (col. 5). Regarding claim 17, the outer cover is made from polyurethane (col. 3, line 66-col. 4, line 5). Regarding claim 23, Shimosaka discloses a golf ball comprising a core and a multi-layer cover. The remaining limitations are method steps and are not relevant to the final product. Regarding claim 24, process of curing and the hardness relative to different stages of the curing are method steps and not relevant to the final product. Regarding claim 25, a

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layer is disposed between the film layer and the core, layer 3 (see fig 1). Regarding claim 26, the film may be made from polyurethane, silicone, or epoxy (col. 3, lines 55-62). Regarding claim 29, the intermediate layer of the cover is formed from single or plural layers of a laminate film (abstract). Regarding claim 30, Shimosaka discloses a golf ball comprising a core and a multi-layer cover. The intermediate layer of the cover is formed from single or plural layers of a laminate film (abstract). The film has a thickness from 50 to 400 um or 0.05 to 0.4 mm (col. 3, line 64). The process of curing and the hardness and tensile strength relative to different stages of the curing are method steps and not relevant to the final product. Regarding claim 31, the film may be made from polyurethane, silicone, or epoxy (col. 3, lines 55-62). Regarding claim 34, the film has a thickness from 50 to 400 um or 0.05 to 0.4 mm (col. 3, line 64).

Claims 5-8, 28, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimosaka et al (5,730,665) in view of Sullivan (6,015,356). Shimosaka discloses the invention as shown above but does not disclose fillers in the intermediate cover layer. However, Sullivan teaches fillers in a cover intermediate layer. One skilled in the art would have included fillers in the layer to achieve the desired weight of the golf ball (see Sullivan abstract).

#### ***Allowable Subject Matter***

Claims 3, 4, 27, and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***


Applicant's arguments with respect to claims 1-8, 10, 12, 13, 16, 17, and 23-34 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raeann Gorden whose telephone number is 703-308-8354. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell can be reached on 703-308-2126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

  
Raeann Gorden  
Examiner  
Art Unit 3711

rg  
October 1, 2003